

REMARKS

Claims 1-3 have been rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner has objected to the expression "sticks" and "stuck amount" as recited in the originally presented claims. As the Examiner will note, this expression has been replaced with the word "adhere" in an effort to eliminate the Examiner's objection. Also, the Examiner considers the claims indefinite because they do not precisely define the relationship of the ascorbic acid derivative to the fiber. The Examiner questions whether or not the ascorbic acid derivative is cross-linked or absorbed into the fiber. According to the present invention, the ascorbic acid derivative adheres to the surface of the fiber material without any bonding agent or without any chemical action such as cross-linking.

It is noted, with appreciation, that the Examiner has indicated that original claims 5-7 and 9-11, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, the Examiner has indicated that claims 2 and 3 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, as set forth on page 3 of the Office Action letter.

As the Examiner will note, claims 1-3, and 5-9 have been amended thereby, in the Applicants opinion, rendering these claims allowable over the prior art. In addition, original claims 4, 10 and 11 have been canceled and claims 12-15 have been added to the present application. It is believed that all of the amended claims as well as the newly added claims are clearly distinguishable over any of the references relied upon by the Examiner, either alone or in combination.

Original claims 1, 4 and 8 have been rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Yamoto et al. (U.S. Patent 5,232,769). This rejection is respectfully traversed.

The present invention is directed to a functionalized fiber material which possesses a sustained discharge function of an agent which is capable of creating a skin care effect. The functionalized fiber material, because it is resistant to multiple washings, is effective in achieving the sustained discharge function without losing the feeling in the hydroscopic property essentially possessed by the fiber material itself. Thus, as noted on page 7 of the present application, the ascorbic acid derivative which adheres to the fiber material according to the present invention, shows an excellent resistance to washing to such an extent that 50% or more of the initial amount remains with the fiber material even after 10 washings. One of the reasons for this is that the hydrophilic property of the ascorbic acid derivative is very weak.

When an ascorbic acid derivative is used in cosmetics, this derivative is usually incorporated into a skin layer and cooperates with certain enzymes to express the desired effect. The ascorbic acid derivatives which adhere to the fiber material do not express an expected antioxidant property in the condition of being adhered to the fiber, but once the fiber product is worn, the derivative is discharged slowly onto the skin by the action of a fat such as sebum of the wearer and incorporated into the skin to express the desired effect.

The Yamoto et al. patent discloses an emulsion which contains ascorbyl palmitate. However, the ascorbyl palmitate is soluble in water at high temperature and thus would be ineffective in achieving the sustained effect produced by the present invention. Furthermore, the ascorbyl palmitate is encapsulated in microcapsules and, as such, defines a chemical system which is different from that of the present invention and operates in a different manner when compared to the present invention, particularly, realizing that the ascorbyl palmitate utilized in the Yamoto et al. patent is soluble in water, whereas in the present invention, the ascorbic acid derivative utilized therein is hardly soluble in water, that is, substantially insoluble in water.

Furthermore, there appears to be no discussion in the reference patent of the fact that the ascorbic acid derivative is present as an emulsion, which may contain an anionic surfactant or a combination of an anionic surfactant and a nonionic surfactant.

Accordingly, in view of the above remarks, it is believed that the Yamoto et al. patent does not anticipate claims 1, 4 and 8 of the present application.

Claim 1 has been rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Lion Corp (JP 10-131042). This rejection is respectfully traversed.

Similarly as is the case with the Yamoto et al. patent, the alkyl ascorbate ester of the Japanese reference are soluble in water and, thus has to be incorporated into microcapsules. Thus, the ascorbic acid derivative utilized in the Japanese reference and the method implied by the Japanese reference are clearly different from that of the present invention.

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of all of the claims of the present application are respectfully requested.

Conclusion

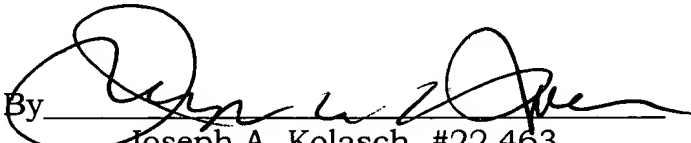
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joseph A. Kolasch, #22,463

JAK/clb

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000